

**REMARKS**

Claims 1-45 are pending in the instant application. The specification has been amended herein to add language in support of an added drawing. Support for the new drawing is found in the original specification at, for example, paragraph [0012] and does not constitute new matter.

***Rejection Under 35 U.S.C. § 103(a).***

On page 2 of the office action mailed 19 January 2005, the Examiner rejected claims 1-4, 7-27, and 30-45 under 35 U.S.C. § 103(a) “as being unpatentable over Radziemski in view of Oberlin.” Applicants respectfully traverse the rejection.

Radziemski is U.S. Patent No. 6,737,789, issued 18 May 2004, which claims priority to U.S. provisional patent applications Ser. No. 60/350,396, filed 18 January 2002, and Ser. No. 60/350,428, filed 18 January 2002.

The invention claimed herein, however, was conceived of prior to 18 January 2002. To that end, Applicants submit herewith the Declaration of Paul Brantner under 37 CFR § 1.131 (“the Brantner Declaration”). More specifically, the Brantner Declaration, at paragraphs 6 to 9 as supported by the notebook page provided in Exhibit A, evidences that the inventor of the instant application had conceived of and created a prototype of the invention of claim 1 according to the methodology of claim 23 prior to 18 January 2002. The Brantner Declaration indicates that Mr. Brantner tested this prototype and found that it successfully converted ambient energy into electrical energy. That prototype included at least two stacked piezoelectric elements, a Schottky Bridge as a rectification block, capacitors arranged to accumulate charge from the Schottky Bridge, a diode at the input of the capacitors, and a battery. The actual dates on the lab notebook are redacted. *See MPEP § 715.07.*

These documents further evidence diligence in developing and optimizing the subject matter of this application for commercialization. For example, paragraph 9 of the Brantner Declaration describes the work memorialized in Exhibit A and the relationship of that work to the claims of the present application. The Brantner Declaration further shows that Mr. Brantner worked diligently in further developing and optimizing the invention for commercialization and preparing the work for patenting.

Because Mr. Brantner invented the subject matter of the present application prior to the priority date of Radziemski, this reference no longer supports a § 103 rejection, and Applicants respectfully request that the rejection be withdrawn.

Furthermore, Applicants submit herewith the Declaration of Adolph Trujillo under 37 CFR § 1.131 (“the Trujillo Declaration”) and the Declaration of Joe McDermott under 37 CFR § 1.131 (“the McDermott Declaration”). The Trujillo Declaration at paragraphs 4 to 6, and the McDermott Declaration at paragraphs 3 to 5, corroborate the Brantner Declaration, respectively. More specifically, the Trujillo Declaration and the McDermott Declaration each attest to a successful demonstration of a prototype apparatus developed by Mr. Brantner, prior to 18 January 2002, that included at least two stacked piezoelectric elements, a Schottky Bridge as a rectification block, capacitors to accumulate charge, a diode and a battery. Furthermore, the Trujillo Declaration and the McDermott Declaration each attest that at the time of the demonstration of the prototype, the prototype had the function to translate ambient energy to charge capacitors. The Trujillo Declaration and the McDermott Declaration each also attest to a demonstration of a prototype of the invention, prior to 18 January 2002, as disclosed in the lab notebook page that Mr. Brantner used as a record of his work, and that Mr. Trujillo and Mr. McDermott signed the notebook, accordingly.

On page 3 of the Office Action, the Examiner objected to claims 5, 6, 28, and 29 “as being dependent upon a rejected base claim.” Applicants traverse the rejection. Having presented remarks sufficient to overcome the rejection of the base claims, this rejection is moot and should be withdrawn.

### ***Objection to Drawings***

On page 3 of the Office Action, the Examiner objects to the drawings “for not showing the subject matter of claims 5, 6, 28, or 29.” Applicants traverse the objection. In an effort to expedite prosecution of the instant application, however, Applicants submit herewith new Figure 7, illustrating the placement of a signal phase delay element, such as inductor, for example. As noted above, this Figure is supported in the specification (in paragraph [0012]) and does not constitute new matter. As the Examiner will notice from the dependent nature of claims 5, 6, 28, and 29, the inclusion of an inductor is an

alternative embodiment of the present invention. Hence, the addition of the element to Figure 1 is not appropriate and could be seen as a limiting amendment, which it is not. For that reason, Applicants have included the element as the Examiner requested, but in the form of a new figure.

### CONCLUSION

Applicants have properly stated, traversed, accommodated, or rendered moot each of the Examiner's grounds for rejection. Applicants submit that the present application is now in condition for allowance. If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited.

Respectfully submitted,



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**Amendments to the Drawings:**

The attached sheet of drawings includes new Figure 7.

Attachment: New Sheet